

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

GERARDO MEJIA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-13-1367-R
)	
GARFIELD CO. JAIL, et al.,)	
)	
Defendants.)	

REPORT AND RECOMMENDATION

Plaintiff has brought this action pursuant to 42 U.S.C. § 1983, alleging violations of his constitutional rights while confined in a detention facility in Garfield County, Oklahoma, Doc. 1. Pursuant to an order entered by United States District Judge David L. Russell, the matter has been referred to the undersigned Magistrate Judge for initial proceedings consistent with 28 U.S.C. § 636(b)(1)(B). For the reasons set forth herein, it is recommended that the complaint be dismissed without prejudice as a result of Plaintiff's failure to advise the court of an apparent change of address.

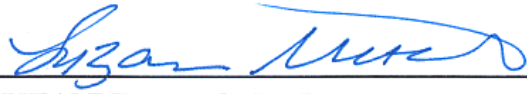
On January 31, 2014, a January 23, 2014 order mailed to Plaintiff with regard to his request to proceed in forma pauperis was returned from the Garfield County Jail address provided by Plaintiff with the notation that the mailing was refused and could not be forwarded, Doc. 10. A review of the court file reveals that as of this date, Plaintiff has not notified the court of a new address.

Local Civil Rule 5.4(a) requires a pro se litigant to file a change of address notice. LCvR 5.4(a). And, documents mailed by the court are deemed delivered if mailed to the last known address given to the court. *Id.* It is incumbent on litigants, pro se litigants included, to follow the court's rules, especially those as nonburdensome as Local Civil Rule 5.4. *See Bradenburg v. Beaman*, 632 F.2d 120, 122 (10th Cir. 1980). Plaintiff's lack of interest in maintaining this litigation combined with the court's inherent power to manage judicial resources warrants dismissal of this action without prejudice. Accordingly, it is recommended that the action be dismissed without prejudice.

RECOMMENDATION

For the reasons set forth above, it is recommended that this action be dismissed without prejudice. Plaintiff is advised of his right to file an objection to this Report and Recommendation with the Clerk of this Court by March 13, 2014, in accordance with 28 U.S.C. § 636 and Federal Rule of Civil Procedure 72. Plaintiff is further advised that failure to make timely objection to this Report and Recommendation waives his right to appellate review of both factual and legal questions contained herein. *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991). This Report and Recommendation disposes of the issues referred to the undersigned Magistrate Judge in the captioned matter.

ENTERED this 10th day of February, 2014.

A handwritten signature in blue ink, appearing to read "Suzanne Mitchell", is written over a horizontal line.

SUZANNE MITCHELL
UNITED STATES MAGISTRATE JUDGE